

Attorney Docket No. AU920010745US1
Serial No. 09/981,882
Response to Office Action dated May 5, 2005

II. REMARKS

A. Office Action Summary

The Examiner rejected claims 1-17 under 35 U.S.C. § 101, stating that the claimed invention is directed to non-statutory subject matter. The Examiner also rejected claims 1 and 8-17 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,496,974 (issued Dec. 17, 2002) [hereinafter "Sliger"], rejected claim 2 under 35 U.S.C. § 103 as unpatentable in view of Sliger, and rejected claims 3-7 under 35 U.S.C. § 103 as unpatentable over Sliger in view of U.S. Patent No. 5,608,396 (issued Mar. 4, 1997) [hereinafter "Cheng"].

B. Reply to Claim Rejections

The Applicant has amended the claims to more distinctly point out the practical application of the invention and to overcome the Examiner's rejection based on 35 U.S.C. § 101.

The Applicant also has amended the claims to overcome the Examiner's rejections based on 35 U.S.C. §§ 102-103. Among other things, neither Sliger nor Cheng, alone or in combination, disclose the use of control words at the beginning of each line to indicate the line length and to point to another line of source data having the same line length, or the use of such control words to determine the order of navigation through the lines of source data so that only lines of source data having the same length are compared. Each of these limitations has been incorporated into independent claim 1. Thus, independent claim 1 and any claim that depends upon claim 1 should be allowed in view of these limitations alone.

Moreover, the Examiner concedes that Sliger does not expressly disclose the claimed step of "removing from each line of source data all blank spaces except for blank spaces within quotation marks." See Office Action from Examiner to Applicant of 5/5/2005, at 5. Although

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the Examiner seems to imply that such a step is inherent¹ in the "normalization" process taught by Sliger, the Applicant respectfully disagrees. Sliger clearly describes normalization as "a process of removing any differences that would be created as a result of typical installation modifications." Sliger, *supra*, at col. 9, lines 19-21. Sliger describes "[b]inding, lock prefix removal, and rebasing" as examples of "such differences that can be normalized." *Id.* at col. 9, lines 21-23. In general, such a normalization process is a concept that is foreign to the Applicant's invention. At no time does the Applicant's invention attempt to remove differences between two files. And to the extent that the Sliger normalization process *may* remove blank spaces, such removal is merely incidental to the intended purpose of the process. "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Oelrich*, 666 F.2d 578, 581 (C.C.P.A. 1981) (quoting *Mansgrig v. Kemmer*, 102 F.2d 212, 214 (C.C.P.A. 1939)). The Sliger normalization process does not necessarily remove any blank spaces, much less *all* blank spaces. Thus, the Applicant respectfully submits that the Examiner's conclusion is misplaced and that this limitation also distinguishes the Applicant's invention over any reference relied upon by the Examiner.

C. Conclusion

As amended, and for the reasons stated above, the Applicant submits that the claims of the present application are not fairly taught by any of the references of record, taken either alone or in combination. Therefore, allowance of the present application is in order, and is requested.

¹ The Applicant notes that the Examiner uses the term "obvious" instead of "inherent," but the Examiner's statement that "normalization removes blank spaces" indicates that the Examiner believes removing blank spaces is inherently disclosed in the normalization process described in Sliger.

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